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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,792	01/17/2001	Jurgen Hofkens	Q62158	4947

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SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037-3213

EXAMINER

NGUYEN, CUONG H

ART UNIT PAPER NUMBER

3625

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,792

Applicant(s)

HOFKENS, JURGEN

Examiner

CUONG H. NGUYEN

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the amendment, and the drawings received on 4/19/2004; which paper has been placed of record.

2. Claims 1, 3-10 are pending in this application. Claim 2 was canceled.

Priority

3. This application has a priority date of 1/21/2000 from an EPO patent (EPO 00 440 015.6).

Response to the amendment:

4. The submitted arguments on 4/19/2004 are unpersuasive since pending claims 1, 5, 7, and 9 are amended to include a limitation of claim 2 (i.e., said system comprises a billing mechanism coupled to an activation mechanism) since Stefik et al. (US Pat. 5,634,012) already teach the use of that component in their invention; that means this amendment still does not make those claims avoid obvious rejections. The examiner maintains old references for rejections, and giving rationales and references for amended claims herein; the arguments are moot because new grounds of rejection are applied for amended claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (US Pat. 5,638,448) as applied to claim 1 above, and in view of Stefik et al. (US Pat. 5,634,012).

A. As to claims 1, 5, 7: Nguyen teaches a system comprising:

- a protection mechanism (see Nguyen, the abstract, 1:66 to 2:12); having:
 - a first mode for protecting information according to a first protective way (see 10:49-67 - wherein information is encrypted);
 - a second mode for protecting information according to a first protective way (see 10:49-67 - wherein packet headers are changed to 24 bytes to carry the CRC signatures);

with said first and second protective way being mutually different (above 2 different protective ways are supported by a unique embodiment of Nguyen's invention).

Nguyen does not disclose about a billing mechanism.

However, Stefik et al. furnish that information (see Stefik, Fig.1 - ref. 108) as a required function of their system.

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Nguyen's teaching with Stefik et al.'s idea to suggest a system with a billing mechanism to send a bill to another party because this would simplify a step of calculating and transmitting related financial information (that is putting available modules together rather than receiving that info. from another place); see In re Murray, 19 CCPA 739, 53 F.2d 541, 11 USPQ 155; In re Zabel et al., 38 CCPA 832, 186 F.2d 735, 88 USPQ 367 wherein above billing mechanism would be integrated into Nguyen's system - There is also a requirement that the integration of a billing mechanism involves more than mere mechanical skill, currently the claim does not specify that).

B. As to claims 3, 6, 8-9: In addition to above claims 1, 5, 7 rationales, Nguyen teaches a method for transporting/receiving control information from a sender to a receiver, comprising a step of:

- receiving control information from a sender representing an economic value of transported information (see Nguyen, 10:46-67,

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wherein different selected security levels representing different important/economic levels).

C. As to claims 4, 10: In addition to above claims 3, 9 rationales, Nguyen teaches a system and a method for transporting/receiving control information from a sender to a receiver, comprising a returning mechanism that returning a value to a sender (see Nguyen, 4:59-61, and claim 9, wherein an interactive communication established between a sender and a receiver to select a particular security level among given levels 1-3).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. 7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. 8. Note: Claims 1, 5, 7 are amended with "representing a **category** of the transported information" wherein this information was not supported in the specification.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose number is 703-305-4553. The examiner can normally be reached on 7am-3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, JEFFREY A. SMITH can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

Cuong H. Nguyen

CHN
CUONG H. NGUYEN
Primary Examiner
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